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VITAL PHARMACEUTICALS, INC., D/B/A VPX SPORTS;
AND JOHN H. OWOC, A.K.A. JACK OWOC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ISMAIL IMRAN and ZACH HESS, on behalf of
themselves and all others similarly situated,

Plaintiffs,

vs.

VITAL PHARMACEUTICALS, INC.,
d/b/a VPX Sports, a Florida corporation; and JOHN
H. OWOC a.k.a. JACK OWOC, an individual

Defendants.

CASE NO. 3:18-cv-05758-JST

**DEFENDANTS' AMENDED
NOTICE OF MOTION TO
TRANSFER (28 U.S.C. 1404(a))**

Date: March 21, 2019
Time: 2:00 p.m.
Dept.: 9
Judge: Hon. Jon S. Tigar

Complaint filed: Sept. 19, 2018
FAC filed: Nov. 1, 2018

TO ALL PARTIES AND THE CLERK OF THE COURT:

PLEASE TAKE NOTICE that on March 21, 2019 at 2:00 p.m., in Courtroom 9 of the above-titled Court, Defendant VPX Pharmaceuticals, Inc., d/b/a VPX Sports and Defendant John H. Owoc move this Court for an Order pursuant to 28 U.S.C. § 1404(a) transferring this action to the United States District Court for the Southern District of Florida for the convenience of parties and witnesses, and in the interest of justice.

This Motion is based on this Amended Notice, the previously filed Memorandum of Points and Authorities, Declarations of John H. Owoc, Marc J. Kesten, and Timothy K. Branson, including the exhibits attached thereto, Proposed Order, and upon such further evidence as may be received by the Court.

STATEMENT OF THE ISSUES TO BE DECIDED

1. Whether this action could have been originally brought in the Southern District of Florida.

2. Whether, after considering all relevant factors, the Court finds that Defendants satisfied their burden of showing that, on balance, the interests of justice, and convenience to the parties and witnesses, favor transfer to the District Court for the Southern District of Florida.

Dated: February 7, 2019

GORDON REES SCULLY MANSUKHANI LLP

By: /s/ Timothy K. Branson

M.D. Scully
Timothy K. Branson
Attorneys for Defendants
VITAL PHARMACEUTICALS, INC.,
d/b/a VPX Sports; and JOHN H. OWOC,
a.k.a. JACK OWOC

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CERTIFICATE OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is: Gordon Rees Scully Mansukhani, 101 W. Broadway, Suite 2000, San Diego, CA 92101, my electronic mail address is mcerezo@grsm.com. On February 7, 2019, I served the foregoing document(s) entitled:

DEFENDANTS' AMENDED NOTICE OF MOTION TO TRANSFER VENUE as follows:

☒ **BY ELECTRONIC SERVICE THROUGH THE CM/ECF SYSTEM** which automatically generates a Notice of Electronic Filing at the time said document is filed to all CM/ECF Users who have appeared in this case. Service with this NEF constitutes service pursuant to FRCP 5(b)(E).

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I declare under penalty of perjury under the laws of the United States of America that the above is true and correct and that I am employed in the office of a member of the bar of this court at whose direction this service was made.

Executed on February 7, 2019 at San Diego, California.



Maria G. Cerezo